IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 4171 of 2005**

Between:

Sri Kamakshi Filling Station, Hindustan Petroleum Corporation Dealer,
NH 5 Road, Tekkali, Srikakulam District, Rep. by the Proprietor K. Ramkumar
S/o Apparao, aged 46 years, R/o Tekkali, Srikakulam District.

**..... PETITIONER**

AND

1 The Joint Collector, Collector's Office (CS) Srikakulam.
2 The Mandal Revenue Officer, Tekkali, Srikakulam District.
3 HIndustan Petroleum Corporation Ltd, Visakhapatnam,
rep.by the Senior Regional Manager (Supplies).

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, in the nature of a Writ of Mandamus or any other appropriate Writ, direction or order declaring the Show Cause Notice Rc.No. 54/2005 S.5, dated 23-2-2005 and the suspension order Rc. 54/2005 S.5, dated 23-2-2005 passed by the Joint Collector, Srikakulam, the 1st respondent herein , as illegal and void.

**Counsel for the Petitioner: MR.P.KAMLAKAR**

**Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES**

**Counsel for the Respondent No.3: MR. M. RAVINDRANATH REDDY, SC FOR HPCL**

**The Court made the following :**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing on behalf of respondent Nos.1 and 2 and with their consent the writ petition is taken up for disposal at the stage of admission.

The petitioner filed this writ petition questioning the suspension order dated 23-2-2005 passed by the first respondent-Joint Collector, Srikakulam in Rc. 54/2005 S.5, suspending the Form 'B' licence bearing No.5/99 of the petitioner, under Clause 28 of A.P. Petroleum Products (L&RS) Order, 1980; and also the show-cause notice issued by the first respondent on the same day calling for the explanation of the petitioner to show cause as to why its licence should not be cancelled for the alleged violation.

It is alleged that the licence of the petitioner was cancelled by the impugned order on the ground of adulteration of petrol stating that as per the analysis reports of the Quality Control Laboratory, Visakha Refinery HPC Ltd., Visakhapatnam, the sample taken from the petitioner petrol bunk i.e. MS (petrol) is not meeting the requirement of Motor Gasoline (MS) specifications—IS—2796—2000 and thus the petitioner adulterated the MS (petrol).

This Court by order dated 04-03-2005 on *prima facie* finding that the stocks, which are now seized by virtue of the impugned orders, are not the stocks which were sent to the expert and tested, and therefore, the test report does not obviously relate to the present stock that has been seized, granted interim direction in W.P.M.P. No.5581 of 2005 directing respondent Nos.1 and 2 to forthwith release the stocks seized on

24-02-2005 and retained in the under ground tanks of the petitioner bunk, to the petitioner to enable it to carry on the business, pending writ petition; and also passed interim orders in W.P.M.P. No.5582 of 2005 suspending the operation of the show cause notice Rc.No.54/2005 S.5, dated
23-02-2005 and the consequential suspension order Rc.54/2005 S.5, dated 23-02-2005 passed by the Joint Collector, Srikakulam, the first respondent, pending writ petition.

No counter-affidavit is filed on behalf of the respondents. I have perused the impugned suspension order as well as the show-cause notice issued to the petitioner.

The learned counsel for the petitioner submitted that he advised the petitioner to submit its explanation to the impugned show-cause notice.

Under the circumstances, without going into the merits of the writ petition, I deem it appropriate to direct the petitioner to file its explanation to the impugned show-cause notice, dated 23-02-2005, issued by the first respondent, if not already filed, within a period of one week from today, and on such filing, the first respondent-Joint Collector, Srikakulam is directed to consider the same and pass appropriate final orders thereon in accordance with law, expeditiously.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

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**N.V. RAMANA, J**

**Date: 21-4-2005**

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector, Collector's Office (CS) Srikakulam.
2 The Mandal Revenue Officer, Tekkali, Srikakulam District.
3 The Senior Regional Manager (Supplies), HIndustan Petroleum Corporation Ltd, Visakhapatnam.

4. Two CCS. to the Government Pleader for Civil Supplies, High Court

Buildings, A.P., Hyderabad (OUT).

5 Two CD copies

6 One CC to MR.KAMLAKAR

*Form-NIC-OGS/WP {**AVLR**}*